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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 20th June 2005

No. 5126—li/1(BH)-22/2003-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 19th April 2005 in Industrial Dispute Case No. 62 of 2003 of the Presiding Officer, Labour Court, Sambalpur to whom the industrial disputes between the Management of Shri Bhagirathi Sahoo, Contractor of M/s. Orissa Poly Fibres Ltd., Dhenkanal and its Workman Shri Ranjan Behera and 3 others represented through the President, Orissa Synthetics Shramik Sangha was referred for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER
LABOUR COURT, SAMBALPUR

INDUSTRIAL DISPUTE CASE No. 62 OF 2003

Dated the 19th April 2005

Present :

Shri G. N. Patra, LL.B.
Presiding Officer, Labour Court
Sambalpur.

Between :

- | | | |
|--|----|------------------------|
| 1. The Management of | .. | First Party—Management |
| Shri Bhagirathi Sahoo, Contractor of | | |
| M/s. Orissa Poly Fibres Ltd., Dhenkanal. | | |
| 2. The Chief Executive, Orissa | | |
| Poly Fibres Ltd., At Laxminagar | | |
| P. O. Baulpur, Dist. Dhenkanal. | | |

And

| | | |
|--------------------------------------|----|----------------------|
| Its Workman | .. | Second Party—Workmen |
| Shri Ranjan Behera & 3 others | | |
| C/o The President, Orissa Synthetics | | |
| Shramik Sangha, At Mahavir Bazar, | | |
| Dist. Dhenkanal. | | |

Appearances :

| | | |
|----------------------------------|----|---|
| For the First Party—Management-1 | .. | Self |
| and Management-2 | .. | Shri J. P. Jena Authorised Representative |
| <hr/> | | |
| For the Second Party—Workmen | .. | The President, Orissa Synthetics Shramik Sangha, Dhenkanal. |

AWARD

This is a reference made by the Government of Orissa, Labour & Employment Department under Sections 10 and 12 of the Industrial Disputes Act, 1947 vide memo No. 10725 (5), dated the 10th November 2003 for adjudication as to whether the termination of services of (1) Shri Ranjan Behera, (2) Shri Bankanidhi Khatua, (3) Nityananda Rout and (4) Kalia Mallick, Contract Labourers with effect from the 31st December 2002 by Shri Bhagirathi Sahoo, Contractor of Orissa Poly Fibres Ltd., At Laxminagar, P. O. Baulpur, district Dhenkanal is legal and/or justified ? If not, to what relief are they entitled ?”

2. After receipt of the reference, Shri Bharat Sahu, President, Orissa Synthetics Shramik Sangha, Dhenkanal filed statement of claim on behalf of the second party workmen. Thereafter the first party managements were asked to file their respective written statements. But the first party management-1 instead of filing written statement, filed a joint petition on the 10th March 2005 signed by both the parties i. e., management-1 and the second party workmen along with a xerox copy of memorandum of settlement , dated the 14th November 2003 arrived at by them and prayed to pass a No Dispute Award. The first party management-2 also filed a petition to pass No. Dispute Award on the grounds that the parties to the dispute under the reference have already settled the dispute. Therefore, the matter was posted to the 2nd April 2005 for hearing on the petitions and notice was issued by Regd. Post with A. D. to the second party's Union who remained absent after filing of statement of claim. The second party's Union did not appear in the Court in spite of receipt of notice under Regd. Post nor took any step. However, to give a further chance to the second party, the case was further posted to the 18th April 2005 for hearing of the said petitions but even on the said date i. e.,

on the 18th April 2005 although the first party management appeared, the second party Union did not appear. The petitions were therefore, heard on that date in absence of the second party workmen. The first party management-1 filed the original memorandum of settlement, dated the 14th November 2003, in the Court. I have gone through the settlement which appears to be quite proper and reasonable. In view of the above bipartite settlement of the dispute, the present reference made by the State Government for adjudication of the said dispute becomes redundant. Accordingly, No Dispute Award is hereby passed in respect of the dispute under reference.

Dictated and corrected by me

G. N. PATRA
19-4-2005
Presiding Officer
Labour Court, Sambalpur

G. N. PATRA
19-4-2005
Presiding Officer
Labour Court, Sambalpur

By order of the Governor
D. MISHRA
Under-Secretary to Government